




KANSAS DEPARTMENT OF CORRECTIONS

	INTERNAL MANAGEMENT POLICY AND PROCEDURE	SECTION NUMBER 14-122	PAGE NUMBER 1 of 7
		SUBJECT: PAROLE SERVICES: Offender Placements in Community Residential or KDOC Pre-Revocation Programs	
Approved By:  Secretary of Corrections		Original Date Issued: 09-01-95	
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		Replaces Amendment Issued: 03-07-98	
Reissued By:  Policy & Procedure Coordinator		The substantive content of this IMPP has been reissued as per the appropriate provisions of IMPP 01-101. The only modifications within the reissue of this document concern technical revisions of a non substantive nature. Date Reissued: 09-19-11	

POLICY

In lieu of revocation, offenders assigned to post-incarceration supervision status demonstrating difficulties in adhering to conditions of post-incarceration supervision may be considered for placement in a community-based residential program or a pre-revocation program operated at a KDOC facility. (APPFS 3-3168) Before a determination is made regarding the placement of an offender in such a program, the alleged violations of the conditions of post-incarceration supervision shall be reviewed by the parole officer and the parole supervisor or designee. (APPFS 3-3157) Prior to being placed in such a program, the offender shall sign a diversionary agreement with the parole officer to enter into and successfully complete the program at a designated KDOC correctional facility in lieu of revocation. The offender shall maintain his or her post-incarceration supervision status as long as programmatic progress is demonstrated.

The primary focus of the KDOC pre-revocation program shall be upon work ethic and offender responsibility and accountability. Completion of the pre-revocation program shall not entitle the offender to any cash gratuity, per IMPP 04-105.

DEFINITIONS

KDOC Pre-Revocation program: A program approved by the Secretary of Corrections to provide offenders on post-incarceration supervision status an opportunity to improve their behavior and to reinforce the importance of adhering to conditions of post-incarceration supervision in lieu of parole staff pursuing revocation.

Post-Incarceration supervision: The supervision of offenders after release from a KDOC facility, including release on parole, conditional release, and post-release supervision.

PROCEDURES

- I. **Procedures to Determine Placement of Offender in a Community Residential or Pre-Revocation Program**
 - A. Parole officers shall discuss the circumstances of the case with the parole supervisor or designee and consider appropriate/available alternatives to revocation prior to initiating a

request to place an offender in a community residential or a pre-revocation program. (APPFS 3-3157, 3-3168)

- B. With the concurrence of the parole supervisor or designee, the parole officer shall present the request to the administrator of the community residential program, or the pre-revocation facility warden or designee for placement in the community residential or pre-revocation program. (APPFS 3-3157)
- C. Information provided by the parole officer to the residential program administrator, or warden or designee shall include, but not be limited to:
 - 1. Pertinent background information on the offender;
 - 2. Supervision adjustment information;
 - 3. Circumstances necessitating the referral for placement; and,
 - 4. Written reports upon request.
- D. The warden or designee of the KDOC facility shall make a decision and advise the parole officer in writing within three (3) days after the above required information is received.
 - 1. The parole officer shall request a decision from the community residential program administrator at the earliest time permitted by the program's review/screening process.

II. Criteria for Screening and Placement in a Community Residential Program

- A. The screening criteria established by the respective community residential program shall be adhered to by parole officers considering offender placements as an alternative to revocation.

III. Criteria for Screening and Placement in a KDOC Pre-Revocation Program

- A. Offenders considered for placement in a pre-revocation program shall be screened by the parole office to ensure that they meet the following behavioral and medical criteria:
 - 1. The offender shall have no felony criminal charges pending; and,
 - 2. The offender shall not present an immediate threat to facility security. Factors considered an immediate threat to facility security include, but are not limited to:
 - a. Under the influence of alcohol or drugs;
 - b. Immediate risk of absconding;
 - c. An established pattern of misconduct during previous incarceration as reflected in the offender's custody record, privilege and incentive level record, and/or in the release materials developed by the facility; or,
 - d. Centrally monitored from another inmate at the facility.
 - 3. Medical Criteria:
 - a. If the offender under consideration for placement in a pre-revocation program presents a medical issue (chronic or acute), the referring parole officer shall contact the appropriate facility health authority.

- b. Medical screening and recommendations for treatment of offenders placed in the pre-revocation program shall be consistent with provisions of IMPP 10-117.
- B. In the event there is a dispute regarding placement of an offender in the pre-revocation program, a request shall be made by the parole officer to the Deputy Secretary of Community and Field Services to review the placement.
- C. The Deputy Secretary of Community and Field Services shall review the matter with the Deputy Secretary of Facility Management within three (3) days and inform the parole supervisor/officer and the warden in writing of their decision on the case.
 - 1. If the matter involves a medical question the Deputy Secretary of Programs and Staff Development shall be included in the review.

IV. Approval and Placement of Offenders in a Community Residential Program

- A. Upon the parole officer's notification that the offender has been accepted for placement in a community residential program the parole officer shall have the offender sign the Diversion Agreement (Attachment A, Form 14-122-001) or special condition of parole, as appropriate, accepting the referral and placement in the program.
- B. The parole officer shall provide notice of the impending placement/transfer to the parole officer serving the county in which the residential program is located.
 - 1. The offender's parole file shall be transferred to the receiving parole office within three (3) days of the offender's admission to the program.

V. Approval and Placement Arrangements of Offenders in a KDOC Pre-Revocation Program

- A. The warden or designee shall notify the parole officer as to the offender's admittance date to the program.
- B. The parole officer shall have the offender sign the Diversion Agreement Form (Attachment A) agreeing to accept referral and placement in the pre-revocation program.
- C. The parole officer shall make arrangements for the offender to be at the facility on the scheduled admittance date, or, ensure that other suitable transportation arrangements are made, per section VI., below.

VI. Transportation

- A. The offender's parole officer shall be responsible for all transportation arrangements to and from the program/facility upon the offender entering or exiting the pre-revocation program.
 - 1. Such transportation arrangements shall be relayed to the appropriate program facility staff member prior to the offender's arrival.
 - 2. The program/facility shall not be responsible for any costs associated with transportation of the offender to or from the program/facility.

VII. Property Limitations at Community Residential Programs

- A. The parole officer shall be responsible to determine any property policies and/or limitations effective at the community residential program and inform the offender of such prior to transporting or making arrangements for the transportation of an offender for placement in the residential program.

VIII. Property and Clothing Items Allowances on Admission to a KDOC Pre-Revocation Program

- A. Offenders may possess no more than the following property items at the time of admission to a KDOC pre-revocation program:
 - 1. \$20.00 cash;
 - 2. One (1) pair of long pants;
 - 3. One (1) pair of socks;
 - 4. One (1) shirt of any kind;
 - 5. One (1) pair of under shorts;
 - 6. One (1) under shirt;
 - 7. One (1) hat, coat, and pair of gloves;
 - 8. One (1) watch (per IMPP 12-120);
 - 9. One (1) ring (per IMPP 12-120);
 - 10. One (1) item of religious jewelry (per IMPP 12-120);
 - 11. One factory sealed plastic bottle of shampoo; and,
 - 12. One factory sealed deodorant in a plastic container.
- B. Female inmates shall be permitted to possess equivalent or comparable items, appropriate to their gender, as a substitute for the above listed clothing items, per Section VIII. A.2-6.
- C. All property items shall be limited to the specifications and values assigned per post-intake property allowances contained in IMPP 12-120.
 - 1. Any offender arriving with property in excess of items and amounts specified in section VIII.A. or B. shall be required to remove excess items of property at his or her expense in accordance with the removal procedures of IMPP 12-120.
- D. Upon arrival, the offenders personal clothing items shall be taken by Admission staff and arrangements made for the washing and storage of such items until their reissuance upon the offender's release from the pre-revocation program.
 - 1. If the offender fails to complete the pre-revocation program and is admitted as a revocation inmate, all property items not allowed as intake property per IMPP 12-120 shall be removed at the offender's expense in accordance with the removal procedures of IMPP 12-120.

IX. KDOC Pre-Revocation Program Description

- A. The pre-revocation program shall be six (6) weeks in length.
 - 1. The offender may remain at the KDOC program facility for up to five (5) additional working days if additional time is needed to coordinate transportation.
- B. The primary focus of the pre-revocation program shall be upon work ethic and offender responsibility and accountability.

1. The offender shall be placed on a work assignment as soon as possible upon completion of orientation and medical screening.
 2. The offender shall be encouraged to participate in AA, NA, aftercare, and other self-help programs as authorized by Department policy.
 3. The offender shall be encouraged to develop and submit to his/her unit team a viable release plan, which addresses the offender's individualized plan to avoid the problems or issues which led to the pre-revocation placement.
- C. Offenders participating in a KDOC pre-revocation program shall be placed upon Incentive Level I for the duration of their placement in the pre-revocation program.
1. The offender shall have access to those privileges available to general population inmates on Incentive Level I as outlined in the provisions of IMPP 11-101.
- D. Visitor lists and phone lists shall be completed in accordance with applicable regulations and IMPPs 10-111, 10-113 and 11-101.
- E. All pre-revocation offenders shall be subject to the same rules of conduct required of the general population.
- F. Pre-revocation program placements and locations shall be as follows:
1. Pre-revocation beds shall be located at the following facility/unit locations:
 - a. Lansing Correctional Facility - East Unit - Five (5) beds;
 - b. Lansing Correctional Facility - South Unit - Ten (10) beds;
 - c. Winfield Correctional Facility - 32 beds;
 - d. Ellsworth Correctional Facility - Five (5) beds;
 - e. Topeka Correctional Facility - West Unit - Ten (10) beds; and,
 - f. Topeka Correctional Facility - Central Unit - Five (5) beds (female).
 2. The designation of pre-revocation beds shall not preclude the use of such beds for general population inmates.
 3. The number of pre-revocation offenders at a facility location shall not exceed the number of beds designated in section IV.F.1. without the approval of the Deputy Secretary of Facility Management.
- X. Preparation for the Offender's Return to Community Supervision from a KDOC Pre-Revocation Program**
- A. No less than three (3) weeks prior to the scheduled return to community supervision, the offender shall submit a release plan to his or her unit team counselor and parole officer.
1. Upon receipt and review of the release plan, the unit team counselor shall forward the release plan to the institutional parole officer (IPO).
 2. The IPO will relay all pertinent information to the appropriate parole officer via telephone within two (2) working days of receipt from the unit team counselor.

3. As soon as possible, but prior to the offender's release from the pre-revocation program, the parole officer shall notify the respective IPO that the release plan has been approved/rejected.
4. If the release plan submitted by the IPO is not approved by the parole officer, the parole officer shall relay a modified plan to facility staff.

B. Transportation arrangements shall be made by the appropriate parole officer.

XI. Reinstatement to Community Supervision Upon Successful Program Completion

- A. Upon completion of the community residential program or the pre-revocation program, supervision of the offender shall be initiated by the supervising parole officer.

XII. Non-Completion of Community or Pre-Revocation Programs by Offenders

- A. It shall be the responsibility of the community program director, or the warden or designee to determine the offender's level of compliance with the requirements of the respective program and to make the decision to remove the offender prior to the completion of the program.

B. Offenders who fail to complete the community placement or pre-revocation program may be subject to revocation.

1. Revocations shall be initiated by the appropriate parole officer prior to completion of the six (6) week pre-revocation program period.

C. Absconders and Escapees

1. Offenders who leave a community residential placement without authorization and whose whereabouts are unknown to the parole officer shall be considered absconders.

2. Offenders who leave the KDOC pre-revocation facility or an outside work detail without permission shall be considered to be on escape status.

- a. Under such circumstances, the program facility warden or designee shall initiate escape notification and response procedures in accordance with established policy.

XIII. As needed to properly implement this IMPP, the pre-revocation facility wardens may issue general orders related to the management of pre-revocation offenders

NOTE: The policy and procedures set forth herein are intended to establish directives and guidelines for staff and offenders and those entities that are contractually bound to adhere to them. They are not intended to establish State created liberty interests for employees or offenders, or an independent duty owed by the Department of Corrections to employees, offenders, or third parties. Similarly, those references to the standards of various accrediting entities as may be contained within this document are included solely to manifest the commonality of purpose and direction as shared by the content of the document and the content of the referenced standards. Any such references within this document neither imply accredited status by a Departmental facility or organizational unit, nor indicate compliance with the standards so cited. The policy and procedures contained within this document are intended to be compliant with all applicable statutes and/or regulatory requirements of the Federal Government and the state of Kansas. This policy and procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

REPORTS REQUIRED

None.

REFERENCES

KSA 75-5210
KAR 44-7-116
IMPP 04-105, 10-111, 10-113, 10-117, 11-101, 12-120
APPFS 3-3157, 3-3168

ATTACHMENTS

Attachment A - Diversion Agreement, 1 page

KANSAS DEPARTMENT OF CORRECTIONS - DIVERSION AGREEMENT

Now on this ____ day of _____, _____, and _____ his/her parole supervisor enter into this agreement for diversion and continuance of post-incarceration supervision condition revocation proceedings.

- I. The offender has been charged with violating his/her conditions of post-incarceration supervision in the following manner (attach a copy of the violation report): _____

- II. The Department of Corrections agrees not to seek revocation of the offender's post-incarceration supervision conditions for having committed the act(s) as set out above, provided the offender successfully completes and fulfills the conditions of diversion as provided by this agreement, his/her post-incarceration supervision status may be revoked due to the above charged violations as well as for any violation of conditions imposed by this agreement if the terms of this agreement are not fulfilled.

- III. The parties agree that resolution of the stated condition violation charges shall be continued for a period of _____. **(NOTE: The time period for diversion may be extended by the Department of Corrections, in writing, if the offender fails to fulfill the conditions within this original time period.)**, conditioned upon the successful completion of this diversionary agreement and upon the following conditions:

- A. The offender shall obey all obligations imposed by his/her parole officer or conditional release as required by the Kansas Parole Board.
B. In addition, the offender shall fulfill the following conditions of diversion: _____

- IV. I, _____, the offender, understand that I am charged with having violated the conditions of my post-incarceration release as set out in Section I, above. I understand that I have the following rights:

- A. The right to a hearing before the Kansas Department of Corrections;
B. The right to a hearing before the Kansas Parole Board;
C. The right to have access to adverse information on which the violation charges are based;
D. The right to confront and question adverse witnesses unless said confrontation would subject the witness to risk if his/her identity were revealed; and,
E. The right to counsel either retained at my own expense, or, to be represented by Legal Services for Prisoners, Inc., a law school intern program, or, other legal aid agency, when available.

I understand that by entering into this Diversion Agreement I am knowingly and voluntarily waiving the above rights. No threats or promises have been made to me. Having these rights in mind, it is my decision to enter into the diversion of my post-incarceration supervision conditions revocation.

- V. The parties further agree that upon successful completion of the conditions imposed upon the offender, as set out in this agreement, during the period of diversion the violations, as set out in Section I, will be dismissed and not used in seeking revocation of the offender's post-incarceration supervision status. However, it is further agreed that by entering into this agreement, the offender admits to having committed the violations set out in Section I, and, if the offender fails to satisfactorily comply with the condition(s) of diversion, this agreement can be used in a subsequent conditions revocation proceeding as a clear admission that the offender has violated the post-incarceration supervision conditions as set out in Section I.

I, _____, the above named offender, have read this agreement and know the contents including: the admission that I have violated the conditions of my post-incarceration supervision as set out in Section I; and, the waiver of my rights. I hereby agree to comply with the conditions set forth in this diversion agreement.

Offender's Signature

Parole Supervisor's Signature

Date

Date